

## Message Text

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ACTION NEA-12

INFO OCT-01 ISO-00 CIAE-00 EUR-25 PM-07 INR-10 L-03 PA-04

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FM AMEMBASSY ANKARA

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CINCEUR

CINCUSAFE RAMSTEIN AB GERMANY

S E C R E T SECTION 1 OF 2 ANKARA 2194

E.O. 11652: XGDS-3 INDEFINITE

TAGS: MARR, TU

SUBJ: I.A. NEGOTIATION MEETING MARCH 20, 1974: C&E

SUMMARY: AT IA NEGOTIATION MEETING MARCH 20, 1974, SUB-  
STANTIVE DISCUSSION OF C&E BEGAN AND QUICKLY BOGGED DOWN WHEN  
TURKS REVIVED THEIR 1971 PROPOSALS FOR INCLUDING PRINCIPLE OF  
JOINT USE OF U.S. FACILITIES AND EQUIPMENT IN IA. TURKS STATED  
ARTICLES 5, 7 AND 9 WERE OPEN AND WERE REMINDED BY U.S. THAT  
JUSMMAT HAD INFORMED TGS IN AUGUST 1971 THAT WASHINGTON,  
AD REFERENDUM, HAD NOT ACCEPTED ARTICLES 6 AND 14, WHICH  
MEANT THESE ARTICLES WERE OPEN AS WELL. AGREEMENT REACHED  
TO WORK FROM JUNE 4, 1971 C&E DRAFT TEXT BUT TO ADOPT NEW  
SINOP IA "PROTOTYPE" REVISIONS. END SUMMARY

1. OPEN ARTICLES: TURKISH CHAIRMAN (ASST. DIRGEN INT'L  
SECURITY AFFAIRS MUSTAFA ASULA) STATED THAT TURKS CONSIDERED  
ONLY ARTICLES 5, 7 AND 9 OPEN. U.S. CHAIRMAN (MSA

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COUNSELOR BOEHM) REVIEWED HISTORY OF C&E AND POINTED OUT THAT

MILITARY NEGOTIATORS HAD REACHED AD REFERENDUM AGREEMENT ON JUNE 4, 1971, ON ALL C&E ARTICLES EXCEPT 5 AND 9. TGS BY LETTER DATED JULY 15, 1971, ADVISED THAT IT HAD WITHDRAWN AGREEMENT TO ARTICLE 7. JUSMMAT ON AUGUST 10, 1971, INFORMED TGS THAT WASHINGTON DID NOT CONCUR IN THE AGREEMENT REACHED ON ARTICLES 6 AND 14. THEREFORE ARTICLES 6 7, AND 14 OF THE C&E WERE ALSO OPEN. TURKS AGREED TO CHECK THEIR RECORDS FOR COPIES OF THE 1971 CORRESPONDENCE REFERENCED BY THE U.S.

2. U.S. ASKED TURKS WHICH DRAFT THEY WOULD LIKE TO WORK FROM. TURKS REPLIED THAT THEY PREFERRED JUNE 4, 1971 DRAFT. (COMMENT: WE GAVE TURKS CHOICE TO PRECLUDE FURTHER TURKISH COMPLAINTS OF VIOLATION "GENTLEMEN'S AGREEMENT" AGAINST INTRODUCTION NEW ELEMENTS. U.S. 1973 TEXT WILL BE DRAWN ON FOR OUR PROPOSALS ON OPEN ARTICLES.) U.S. POINTED OUT THAT 1973 DRAFT HAD COMPLETE SET OF ANNEXES WHICH 1971 DRAFT LACKED. TURKS ACKNOWLEDGED THIS AND SAID THEY WERE STILL REVIEWING THESE ANNEXES, SUBMITTED SEVERAL MONTHS AGO BY U.S.

3. C&E REVISIONS TO FOLLOW NEW SINOP IA "PROTOTYPE": U.S. QUERIED TURKS ON HAVING C&E FOLLOW NEW SINOP PROTOTYPE, POINTING OUT THAT MANY OF CHANGES IN 1973 U.S. TEXT WERE MADE TO FOLLOW SINOP FORMAT. TURKS SAID THEY WERE IN ACCORD WITH REVISING C&E TO FOLLOW SINOP PROTOTYPE FORMULA. (COMMENT: REVISION TO FOLLOW SINOP PROTOTYPE FORMULA AND U.S. PROPOSALS TO BE MADE ON OPEN ARTICLES WILL BRING 1971 TEXT VERY CLOSE TO 1973 DRAFT.)

4. WORK ORDER: AGREEMENT REACHED TO TAKE UP "OLDER" OPEN ARTICLES 5 AND 9 FIRST, THEN 6, 7 AND 14. THE TURKS SAID THEY WOULD HAVE TO DO MORE RESEARCH IN THEIR RECORDS BEFORE BEING READY TO TAKE UP ARTICLES 6 AND 14. U.S. EMPHASIZED THAT ALL FIVE OPEN ARTICLES WOULD HAVE TO BE TAKEN UP EVENTUALLY. (FYI: ARTILCE 14 WAS CITED FOR PROCEDURAL/TECHNICAL REASONS. IN FACT, U.S. WILL HAVE NOTHING TO PROPOSE ON ART. 14.)

5. NEW ELEMENTS: U.S. STATED THAT IN ORDER TO EXPEDITE NEGOTIATIONS, AND PURSUANT TO UNDERSTANDING THAT NEW MATTERS SHOULD NOT BE INTRODUCED IN IA NEGOTIATION AS A WHOLE, WE WOULD BE WILLING TO WITHDRAW MENTION OF AUTOVON FROM ART. 6.

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SINCE IT WAS NOTHING MORE THAN A LONG-DISTANCE TELEPHONE SYSTEM AND THUS ALREADY COVERED IN THE ARTICLE.

6. ARTICLE 5: TURKS PROPOSED FOLLOWING CHANGES: SECOND SENTENCE TO READ, "THE PURPOSE IS TO ENSURE ADEQUATE U.S. COMMUNICATIONS IN SUPPORT OF COMMON DEFENSE MEASURES, TAKING INTO ACCOUNT THE PROVISIONS OF THIS AGREEMENT AND THE REQUIREMENTS OF ANTO". TURKS PROPOSED MOVING TO

ANOTHER ARTICLE THE FINAL CLAUSE, "TO THIS END, THE UNITED STATES GOVERNMENT MAY ESTABLISH, MAINTAIN AND OPERATE IN TURKEY, U.S. COMMUNICATIONS-ELECTRONICS FACILITIES." TURKS SUGGESTED THAT THIS CLAUSE MIGHT BE MORE APPROPRIATE IN ARTICLE 9, DEALING WITH EXTENT OF C&E COOPERATION, ALTHOUGH THEY DID NOT FORMALLY PROPOSE THIS. FINALLY, TURKS PROPOSED INSERTION OF LANGUAGE IN ARTICLE 5 WHICH WOULD EXPRESS THE PRINCIPLE OF JOINT USE FOR C&E FACILITIES AND EQUIPMENT, BUT DID NOT OFFER SPECIFIC LANGUAGE.

7. U.S. MADE FOLLOWING RESPONSES ON TURKISH PROPOSAL FOR ART 5: A) REITERATED EARLIER U.S. PROPOSAL FOR INCLUSION WORDS, "TO, WITHIN AND FROM TURKEY" IN SECOND SENTENCE ON PURPOSE NOTING FACT THAT SOME U.S. INSTALLATIONS WERE IN DIRECT COMMUNICATION WITH THEIR HIGHER HEADQUARTERS OUTSIDE OF TURKEY AND COULD HARDLY OPERATE OTHERWISE. IF PURPOSE OF IS IS TO MAKE CLEAR AS POSSIBLE WHAT IS ACTUALLY GOING ON, THEN PHRASE WOULD BE USEFUL. WHILE TURKS PRESENT AT NEGOTIATING TABLE UNDERSTOOD THAT U.S. COMMUNICATIONS SYSTEM IN TURKEY REQUIRED LINKS TO OUTSIDE COUNTRIES, A TURKISH OFFICIAL SOME YEARS HENCE MIGHT WELL QUESTION U.S. AUTHORITY TO HAVE SUCH LINKS WITHOUT SPECIFIC COVERAGE IN IA. B) U.S. NOT BOTHERED BY EXISTENCE OF FINAL CLAUSE, "TO THIS END..." WHERE IT STOOD, BUT IF TURKS WISHED TO MAKE SPECIFIC PROPOSAL FOR MOVING IT ELSEWHERE IN THE IA WE WOULD CONSIDER THEIR PROPOSAL. (COMMENT: WE CONSIDER CLAUSE NUGATORY SINCE ITS SUBSTANCE COVERED IN PARA ONE ARTICLE 9.)

C) CONCEPT OF JOINT USE OF C&E FACILITIES: U.S. CHAIRMAN BEGAN BY OBSERVING THAT TURKISH CHAIRMAN SEEMED TO BE CONFUSING THE IA NEGOTIATIONS WITH THE MILITARY ASSISTANCE PROGRAM. DCA ART. IX DEALS WITH THE PRINCIPLE OF JOINT OPERATION AND USE TO BE APPLIED TO ALL COMMON DEFENSE INSTALLATIONS. ARTICLE AND ITS AGREED MINUTE CLEARLY DEAL ONLY WITH SECRET

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GEOGRAPHIC LOCATIONS AND THE PEOPLE WHO MAY BE ASSIGNED TO THEM FOR JOINT OPERATION. TURKISH ATTEMPT TO USE THAT ARTICLE AS A BASIS FOR ASSERTION OF U.S. OBLIGATION TO SHARE ITS COMMUNICATIONS FACILITIES WITH THE TURKS WAS TOTALLY UNACCEPTABLE TO USG. NEGOTIATORS WERE AWARE THAT THERE WERE TWO KINDS OF IAS--GEOGRAPHICAL, DEALING WITH PLACES, AND FUNCTIONAL, DEALING WITH OPERATIONS. C&E WAS RECOGNIZED AS A COMPOSITE IA COMBINING FEATURES OF EACH TYPE SINCE IT COVERED NOT ONLY

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COMMUNICATIONS OPERATIONS BUT ALSO COMMUNICATIONS SITES. THE PRINCIPLE OF JOINT USE APPLIED ONLY TO INSTALLATIONS; I.E., PHYSICAL LOCATIONS, NOT TO OPERATIONS. THE U.S. HAD BEEN PLEASED TO MAKE AVAILABLE TO GTS, AT NO COST, 16 VOICE AND 12 TELETYPE CIRCUITS WORTH AN ESTIMATED ONE MILLION TURKISH LIRA PER MONTH TO TGS. THIS CIRCUIT PROVISION BY THE U.S. COULD NOT BE INTERPRETED AS EVIDENCE OF A BROADER OBLIGATION ON THE PART OF THE U.S. TO SHARE OTHER COMMUNICATIONS FACILITIES. IF, AS A SEPARATE QUESTION UNRELATED TO THE DCA OR THE IA, THE TURKS WISHED TO SHARE OTHER U.S. COMMUNICATIONS FACILITIES, AND IF THIS WERE TECHNICALLY FEASIBLE, WE WOULD BE GLAD TO LOOK AT IT. ANY SUCH PARTNERSHIP ARRANGEMENT WOULD OF COURSE ENTAIL EACH PARTY PAYING ITS SHARE. WHATEVER COST-CHARING FORMULA WERE WORKED OUT WOULD PRESUMABLY APPLY RETROACTIVELY TO THE CIRCUITS NOW BEING ALLOCATED FREE OF CHARGE TO TGS.

8. "TO WITHIN AND FROM": TURKS ARGUED THAT JUNE 4, 1971 LANGUAGE, "IN TURKEY" (RATHER THAN "T WITHIN AND FROM TURKEY")

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MADE SUFFICIENTLY CLEAR THAT U.S. HAD RIGHT TO COMMUNICATE

OUTSIDE OF TURKEY. TURKS ALSO SUGGESTED THAT WIRING DIAGRAMS ATTACHED TO ANNEXES AND ANNEXES THEMSELVES SHOWING OUTSIDE LINKS TO U.S. COMMUNICATIONS, WOULD PROVIDE SUFFICIENT DOCUMENTATION OF AUTHORITY FOR U.S. TO HAVE SUCH LINKS. U.S. NOTED THAT WASHINGTON HAD BEEN QUERIED ON THIS POINT SOME TIME AGO AND THAT THE LEGAL OPINION THERE WAS THAT DIAGRAMS AND ANNEXES WOULD NOT BE SUFFICIENT EVIDENCE OF AUTHORITY FOR OUTSIDE COMMUNICATIONS LINKS. MAPS, CHARTS AND DIAGRAMS HAVE LED TO MANY DISPUTES IN PAST WHEN ATTEMPTS WERE MADE TO USE THEM AS EVIDENCE TO BACK LEGAL POSITIONS. ALSO CHANGES IN COMMUNICATIONS OCCUR VERY RAPIDLY, MAKING DIAGRAMS OBSOLETE. THUS A GENERAL STATEMENT IN THE MAIN TEXT WAS DESIRED BY U.S. TURKS THEN NOTED THAT EVEN IF THEY ACCEPTED A GENERAL STATEMENT, ANNEXES WOULD STILL BE REQUIRED TO ELABORATE THE NECESSARY DETAILS. U.S. FOUND TURKISH COMMENT USEFUL AND PROPOSED THAT A GENERAL STATEMENT MIGHT BE DRAFTABLE WHICH WOULD BE TIED TO AN ANNEX ON OUT-OF-COUNTRY COMMUNICATIONS LINKS. (COMMENT: WE WILL FORMULATE LANGUAGE TO PROPOSE TO TURKS.)

9. JOINT USE CONCEPT: TURKISH CHAIRMAN ARGUED THAT IF U.S. ACCEPTED PRINCIPLE THAT DCA APPLIED TO ALL U.S. COMMON DEFENSE ACTIVITIES IN TURKEY, INCLUDING THOSE COVERED IN C&E, THEN

U.S. COULD NOT LOGICALLY DISTINGUISH BETWEEN INSTALLATIONS AND OPERATIONS IN SAYING THAT THE FORMER ARE COVERED BY JOINT USE PROVISIONS AND THE LATTER ARE NOT. U.S. COUNTERED THAT TURKISH ATTEMPT TO GET USG TO UNDERTAKE SUBSTANTIAL NEW FINANCIAL COMMITMENT IN COMMUNICATIONS SUPPORT, NOT INCURRED IN DCA, RAN COUNTER TO DIRECTION TAKEN IN CURRENT RELATIONS BETWEEN USG AND NATO ALLIES. USG HAD REQUESTED ALLIES TO ASSUME MORE OF COSTS OF MAINTAINING U.S. FORCES IN THEIR RESPECTIVE TERRITORIES. THUS, U.S. CHAIRMAN COULD SEE NO POSSIBILITY OF USG EVER AGREEING TO FREE TURKISH USE OF U.S. COMMUNICATIONS OR OTHER OPERATIONAL SYSTEMS IN TURKEY. HE ASKED RHETORICALLY WHETHER TURKEY ALSO EXPECTED TO SHARE U.S. MOTOR POOL FLEETS OR AIRCRAFT STATIONED IN COUNTRY.

10. TURKISH CHAIRMAN SAID THAT IF U.S. WAS SEEKING TO GAIN WAIVER OF PROVISIONS OF DCA FOR REASONS OF FINANCIAL DIFFICULTY, SECRET

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THIS WOULD REQUIRE REVIEW AND POSSIBLE REVISION OF THE DCA. U.S. REPLIED THAT DCA WAS VERY CLEAR AS TO WHAT FINANCIAL OBLIGATIONS USG HAD AND USG COULD NOT ACCEPT ATTEMPTS TO WRITE INTO IAS FINANCIAL OBLIGATIONS NOT SET FORTH IN DCA. TURKS CLAIMED THAT U.S. DISTINGUISHING BETWEEN INSTALLATIONS AND OPERATIONS FOR PURPOSES OF JOINT USE IN EFFECT SET OPERATIONS OUTSIDE DCA BY ELIMINATION OF THEIR "COMMONALITY" AND ELIMINATED THEIR CONTRACTUAL BASIS FOR EXISTENCE. U.S.

AFFIRMED ITS POSITION THAT ALL U.S. COMMON DEFENSE ACTIVITIES IN TURKEY EXCEPT JUSMMAT WERE COVERED BY DCA AND THAT ALL C&E ACTIVITIES IN ADDITION WERE COVERED BY EXISTING AGREEMENTS UNTIL REPLACED BY SIGNED C&E IA. (COMMENT: TURKISH REVIVAL OF JOINT USE ISSUE AN UNWELCOME BUT PERHAPS INEVITABLE DEVELOPMENT. U.S. HAD BEEN ABLE TO BOTAIN GENERAL SIRDAS' AGREEMENT TO DELETE TGS-PROPOSED LANGUAGE ON JOINT USE IN JUNE 4, 1971 IA MEETING ON C&E. IT HAD BEEN CLEAR THEN THAT TGS NOT UNANIMOUSLY SATISFIED WITH SIRDAS DECISION. WE SEE NO ROOM NOW FOR ACCOMMODATION OF TURKISH DESIRES ON THIS ISSUE WHICH WILL REMAIN HARDCORE AS LONG AS TURKS PERSIST IN THEIR PRESENT POSITION.)

11. NATO AEGIS FOR DCA AND C&E: TURKISH CHAIRMAN IN CONTINUING ARGUMENTS AGAINST INCLUSION WORDS, "TO WITHIN AND FROM" IN ARTICLE 5, SECOND SENTENCE, STATED THAT SUCH LANGUAGE IMPLIED U.S. ACTIVITIES BEYOND THOSE RELATED TO NATO, WHEREAS DCA AND IAS STRICTLY LIMITED TO SCOPE OF NATO. U.S. CHAIRMAN SUBMITTED THAT ACTIVITIES BEYOND THOSE RELATED TO NATO WERE ALSO CONTEMPLATED BY DCA AND SHOULD BE INCLUDED IN IAS, AS IN CAS OF AIR TECH(REGARDING FLIGHTS FURNISHING AIRCRAFT AND MUNITIONS TO NON-NATO COUNTRIES). NORTH ATLANTIC TREATY DID NOT PRECLUDE MEMBERS FROM CONCLUDING DEFENSE AGREEMENTS WHICH WENT BEYOND THE NATO CONTEXT.

12. AGREEMENT REACHED THAT EACH SIDE WOULD CHECK ITS RECORD (INCLUDING DCA NEGOTIATING RECORD) BEFORE DISCUSSING ARTICLE 5 FURTHER. IA MEETING NEXT WEEK WILL TAKE UP ARTICLE 9 OF C&E.  
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## Message Attributes

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